

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

SHELLEY ANN TISCHLER,

Case # 0075012254

Charging Party,

ORDER

-v-

BILLINGS WOMEN'S PRISON,

Respondent.

Shelley Ann Tischler (Tischler) filed a complaint with the Department of Labor and Industry (Department) alleging that Billings Women's Prison (Women's Prison) discriminated against her on the basis of her religion. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Tischler's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Tischler filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 18, 2007.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Chap. 28, L. 2007, New Section 6(2)*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

A party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Chap. 28, L. 2007, New Section 6(3); Mont. Code Ann. § 2-4-702*.

Alternatively, if a charging party chooses to commence a civil action, charging party has 90 days after the receipt of this order to petition a district court, in the district where the alleged violation occurred, for the appropriate relief. *Chap. 28, L. 2007, New*

Section 6(3). If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Shelley Ann Tischler's objections are **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against the Billings Women's Prison.

DATED this ____ day of September, 2007.

Acting Chair Allen Secher
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this _____ day of September, 2007.

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